IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.311 OF 2004
(FOR ENHANCEMENT OF SENTENCE)

The State of Maharashtra ..Applicant

Versus

A.T.Gole & Anr. ..Respondents

Mrs.U.V.Kejriwal, Addl.Public Prosecutor for the Applicant/State.

Coram : R.M.LODHA &
R.S.MOHITE,JJ

Date : 25.02.2005.

PC

. Heard the learned Addl.Public Prosecutor for the applicant/State.

2. The accused persons were tried for the offences punishable under Sections 323, 324, 325, 326, 427, 504, 506 read with section 34 of the IPC. Upon conclusion of the trial, the Judicial Magistrate First Class, Satara vide her Judgment dated 16.12.2003 convicted the accused persons for the offences punishable under Section 323 read with section 34 of IPC, 324 read with section 34 of IPC, 325 read with section 34 of IPC and 326 read with section 34 of IPC. For the offence punishable under Section 326 of IPC, the trial Court sentenced the accused/respondents to suffer RI for one year and to pay fine of Rs.1000/-, while for the offence punishable under Section 325 read with section 34,

the accused persons were sentenced to suffer RI for 6 months and to pay fine of Rs.200/-. As regards the offence punishable under Section 324 read with section 34 of IPC, the accused were sentenced to suffer RI for 3 months and to pay fine of Rs.200/- and for the offence punishable under Section 323 of IPC, the accused were sentenced to suffer RI for one month and to pay fine of Rs.100/-. All sentences were ordered to run concurrently.

3. By this Criminal appeal, the State prays for enhancement.

4. Taking into consideration over all facts and circumstances of the case, we do not find the sentence awarded by the learned trial Judge inadequate warranting further consideration by this Court in exercise of our appellate power under Section 377 of Cr.P.C.

5. Criminal appeal is accordingly dismissed.

(R.M.LODHA,J)

(R.S.MOHITE,J)